

**Probate Committee
Judicial Conference of Indiana**

December 12, 2002
Minutes

1. Members present. The following members of the committee were present: Larry Bradley, J. Terrence Cody, Kevin Barton, J. Scott Vanderbeck, and Chris Monroe, Chair.
2. Approval of minutes. The committee approved the minutes from the September 11, 2002 meeting.
3. Deskbook update. Each committee member received copies of the draft revisions received to date. The committee briefly discussed the sections that still need to be completed. Judge Monroe indicated that the Wrongful Death section still needed to be assigned. Michelle was asked to follow up with Judge Harcourt to see if she is willing to revise this section. Judge Barton volunteered to take this section if Judge Harcourt was unable to do so. The committee also asked Michelle to copy the conversion table for the Indiana Code concerning wrongful death. The committee also decided that an index for the entire manual was not necessary. The committee discussed section 4 of the Deskbook concerning fee guidelines and model rules. Judge Monroe and Judge Cody informed the committee of ongoing work concerning local rules. Judge Monroe volunteered to follow up on this to see how will impact the Deskbook revisions.

The committee was asked to review the content of the drafts that have been distributed individually. If there are areas that need clarification or corrections, send that information to Michelle via email and Michelle will forward that information to the author of that section. The distribution of the Deskbook is planned for September 2003.

4. ISBA report. Judge Cody attended the ISBA meeting in French Lick. The section discussed the information from the Probate Code Study Commission and decided to continue to review the Uniform Trust Code to determine what Indiana should do in this area. Uniform Trust Code will not be introduced in this legislative session. Also, the section is reviewing the conflict between the Health Care Consent Statutes and the dead body statutes.

Judge Monroe reminded the committee that the Probate Section was considering having a judge from this committee on their board. Judge Monroe will follow up on this matter.

The next section council meeting will be on January 18, 2003 at 11 a.m. at the Sheraton located at Keystone at the Crossing. Judge Monroe indicated he might attend that meeting. Judge Cody volunteered to attend the spring section meeting.

5. Probate Code Study Commission. Michelle distributed copies of the Commission's final report and the preliminary drafts of the bills recommend to the General Assembly. Michelle reported that during the final Commission meeting some of the drafts were amended and that information is not noted on the preliminary drafts.
6. Maximum Fee Guidelines. This information is also contained in section 4 of the Deskbook. The committee briefly discussed this issue in terms of distributing the Deskbook and decided to postpone the distribution of section 4 only until these issues can

be resolved. The committee noted that statutory changes needed to be reflected in this section. The committee also asked what authority these guidelines carry. Michelle was asked to research this issue further. Because Judge Nemeth had raised this as a point of concern, the committee decided to discuss this point further at the April meeting. Michelle was asked to contact Judge Nemeth concerning this issue and forward any specific information to the committee prior to the next meeting.

7. Other Business. Judge Monroe discussed the question received from Judge Blau prior to the September meeting. Judge Monroe did follow up with her for clarification of the question, but there was no further information to pass along to the committee on this question.
8. Next meeting. The next meeting will be held on April 4, 2003 at 1:30 p.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman
Staff Attorney